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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,008	11/09/1999	STEPHEN B. ELLIOTT	RR2341	6014

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EXAMINER

FOX, JAMAL A

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/436,008

Applicant(s)

ELLIOTT ET AL.

Examiner

Jamal A Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,8,10,14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9,11-13,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02/05/03 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

1. The corrected or substitute drawings were received on 02/05/03. These drawings are accepted.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: On line 8 of claim 1, "data" is spelled incorrectly. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5-7, 9, and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,764,644 to Miska et al. Referring to claim 1, Miska et al. discloses a method for efficiently integrating wireless and wireline functions [col. 2 lines 37-46] within a communications network, comprising the steps of: integrating an asynchronous transfer mode infrastructure [Fig. 2, reference sign 54] with said communications network [Fig. 2]; linking said wireless and wireline functions to and from said communications network via asynchronous transfer mode infrastructure utilizing a

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network access function [col. 4 lines 30-57] within a network edge switch [Fig. 2, ref. Signs 36 and 38]; and transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network [col. 4 lines 30-57]; determining target recipients for each wireless and wireline data received in a first communication protocol [col. 4 lines 58-col. 5 lines 22]; and converting within said access function said wireless and wireline data to a second communication protocol [col. 5 lines 23-35, col. 5 lines 57- col. 6 line 7, col. 6 line 30-45, and col. 6 lines 57-col. 7 line 12] appropriate for said target recipient.

Referring to claim 3, Miska et al. discloses the method of claim 1, utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network [col. 4 lines 58-63]. Evidently, the infrastructure promotes the mixing of wireless and wireline access and transmissions [col. 3 lines 51-67]. The switch is also disclosed as being connected to CO's via a PSTN in [col. 1 lines 44-49].

Referring to claim 5, Miska et al. discloses the method of claim 1, further comprising transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function [col. 6 lines 20-45].

Referring to claim 6, Miska et al. discloses the method of claim 1, wherein the step of integrating an asynchronous transfer mode infrastructure with said communications network, further comprises: integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric [Fig. 2,

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reference signs 36 and 38] interfaced with an asynchronous transfer mode gateway [Fig. 2, reference signs 26 and 42]. All ATM switches have a fabric. A gateway is an entrance and exit to a communications network.

Referring to claim 7, Miska et al. discloses a system for efficiently integrating wireless and wireline functions within a communications network, comprising: said communications network [Fig. 2]; and asynchronous transfer mode infrastructure [Fig. 2, reference sign 54] for transmitting signals within said communications network; a network edge switch [Fig. 2, ref. Signs 36 and 38] for linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function [col. 4 lines 30-57] within said network edge switch [Fig. 2, ref. Signs 36 and 38]; transmitting means [col. 2 lines 37-65] for transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network; means for determining target recipients for each wireless and wireline data received in a first communication protocol [col. 4 lines 58-col. 5 lines 22]; and means for converting within said network access function said wireless and wireline data to a second communication protocol [col. 5 lines 23-35, col. 5 lines 57- col. 6 line 7, col. 6 line 30-45, and col. 6 lines 57-col. 7 line 12] appropriate for said target recipient.

Referring to claim 9, Miska et al. discloses the system of claim 7, further comprising: multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communication network [col. 5 lines 10-15 and col. 6 lines 49-67].

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Referring to claim 11, Miska et al. discloses the system of claim 9, further comprising: transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function [col. 6 lines 20-45].

Referring to claim 12, Miska et al. discloses the system of claim 9, wherein integrating an asynchronous transfer mode infrastructure [Fig. 2, reference sign 54] with said communication network [Fig. 2], further comprises: integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric [Fig. 2, reference signs 36 and 38] interfaced with an asynchronous transfer mode gateway [Fig. 2, reference signs 26 and 42]. All ATM switches have a fabric. A gateway is an entrance and exit to a communications network.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miska et al. Referring to claims 13, 15, and 17-18, Miska et al. discloses a flow chart illustrating a sequence of operations in [Fig. 3]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention

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was made to have included a program of instructions, within instruction bearing media associated with a telecommunication system for efficiently integrating wireless and wireline functions within a communications network, comprising: Instructions within said instruction bearing media for integrating an asynchronous transfer mode infrastructure with said communications network; instructions within said instruction bearing media for linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function within a network edge switch; instructions within said instruction bearing media for transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network; instructions within said instruction bearing media for determining target recipient for each wireless and wireline data received in a first communication protocol; and instructions within said instruction bearing media for converting within said network access function said wireless and wireline data to a second communication protocol appropriate for a target recipient; instructions within said instruction bearing media for utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network; instructions within said instruction bearing media for transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function; and instructions within said instruction bearing media for integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with asynchronous transfer

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mode gateway, in light of the fact that when a method and apparatus has been disclosed and rejected over prior art, the program of instruction bearing media associated with the method and apparatus is also rejected.

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.A.F.

**Jamal A. Fox**



**WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**